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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/687,420   | 10/13/2000  | Peter Joseph Rock    | 13DV13812           | 8491             |
| 29399  | 7590        | 12/17/2003           | EXAMINER            |                  |
| JOHN S. BEULICK<br>C/O ARMSTRONG TEASDALE LLP<br>ONE METROPOLITAN SQUARE<br>SUITE 2600<br>ST. LOUIS, MO 63102-2740 |             |                      | CHEN, CHONGSHAN     |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2172                 |                     | 13               |
| DATE MAILED: 12/17/2003  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                  |  |
|------------------------------|----------------------------|------------------|--|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)     |  |
|                              | 09/687,420                 | ROCK ET AL.      |  |
|                              | Examiner<br>Chongshan Chen | Art Unit<br>2172 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 103***

1. This action is responsive to communications: Amendment C, filed on 18 September 2003. This action is made final. Claims 1-18 are pending.

***Response to Arguments***

2. As per applicant's arguments regarding "Brady does not describe nor suggest any qualities desired in a candidate, such as analytical ability, self-confidence, initiative, change orientation, and interpersonal skills" have been considered but are not persuasive. Brady disclose a resume database of individuals with one or more desired attributes, such as, technical expertise, years of work experience in an industry, academic training (Brady, col. 6, lines 1-21). These attributes exhibit an individual's analytical ability, self-confidence, initiative, change orientation, and interpersonal skills.
3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Haq discloses a human resource management system and assessment of employee suitability for a project. The human resource system includes a database of employee's skill or resume. Brady discloses creating or updating a database of resumes. The two references are related to each other, both are used as a human resource management system to manage people's

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resumes. Brady's resume database provides additional information about a candidate. This is especially beneficial because it provides the user with additional information about a candidate prior to contacting the potential candidate (Brady, col. 6, lines 19-21). These additional information will help the user to better assess the candidate's suitability for the project.

4. As per applicant's arguments regarding "Haq and Brady teach away from each other" have been considered but are not persuasive. Haq discloses a human resource management system and assessment of employee suitability for a project. The human resource system includes a database of employee's skill or resume. Brady discloses creating or updating a database of resumes. The two references are related to each other, both are used as a human resource management system to manage people's resumes.

5. As per applicant's arguments regarding "Neither Haq nor Brady, considered alone or in combination, describes or suggests a method for determining candidates to interview" have been considered but are not persuasive. Brady teaches a method for determining candidates to interview (Brady, col. 6, lines 1-21, "... This is especially beneficial because it provides the user with additional information about a candidate prior to *contacting the potential candidate*", which suggests interview).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haq et al. ("Haq", 6,275,812) in view of Brady et al. ("Brady", 6,463,430).

As per claim 1, Haq disclosing a method for determining candidates to interview, said method comprising the steps of:

providing pre-determined desired qualities for a candidate (Haq, col. 5, lines 25-36, "ISDRM allows specific job functions (roles and responsibilities) in a specialty to be identified by a skills template. A skill template basically identifies the relevant importance of each skill (Weights) and the skill level (Index) required in each skill to perform a job function. . . A template basically identifies what skill levels are required and what is their importance for a job function");

generating a database including at least one characteristic for each individual (Haq, Fig. 2, ISDRM Database);

normalizing the characteristics, normalizing includes comparing the at least one characteristic to a related pre-determined desired quality, and assigning a value to the at least one characteristic based on the comparison (Haq, col. 6, lines 5-50, "Suitability Skill Index Average (SSIA) gives a measure of the suitability of an employee for an assignment. To assess the suitability of an employee, for a particular job assignment, his/her skills, from the skills assessment forms in the employee database are assessed against the given skills template for a job function. A suitability assessment form is generated for the employee in which the skill weights are duplicated from the skills template and the skill indices, for the employee, are copied from the Employee Database");

displaying results for each individual based on the normalized characteristics (Haq, col. 10, lines 40-43, "outputs of various of request/queries to the database").

Haq discloses select suitable employees (Haq, col. 5, lines 52-53), but does not disclose select to interview. Brady teaches select a candidate to interview (Brady, col. 6, lines 19-21, "... contacting the potential candidate"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select candidate to interview in the system of Haq in order to decide which candidate is the most suitable candidate through the interview process if there are several candidates with same the high suitability weight value.

Haq does not explicitly disclose the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills and the at lest one characteristic is correlative to the desired qualities. Brady discloses the desired qualities include at least two of analytical ability, self-confidence, initiative, change orientation, and interpersonal skills and the at least one characteristic is correlative to the desired qualities (Brady, col. 6, lines 1-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Brady with Haq in order to provide additional information about a candidate. This is especially beneficial because it provides the user with additional information about a candidate prior to contacting the potential candidate (Brady, col. 6, lines 19-21). These additional information will help the user to better assess the candidate's suitability for the project.

As per claim 2, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose storing the predetermined desired qualities for a candidate within the

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database, the desired qualities include analytical ability, self-confidence, initiative, change orientation, and interpersonal skills (Brady, col. 6, lines 1-21).

As per claim 3, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose obtaining pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36); and normalizing characteristics of each candidate with the pre-determined desired qualities associated with each characteristic (Haq, col. 6, lines 5-50).

As per claim 4, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by a pre-determined value representing a total amount possible (Haq, col. 5, lines 1-5).

As per claim 5, Haq and Brady teach all the claimed subject matters as discussed in claim 1, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 6-8 rejected on grounds corresponding to the reasons given above for claims 1-3.

As per claim 9, Haq and Brady teach all the claimed subject matters as discussed in claim 6, and further disclose

rank each candidate based on normalized characteristics (Haq, Fig. 11); and sum the normalized characteristics of each candidate (Haq, col. 5, lines 1-5).

As per claim 10, Haq and Brady teach all the claimed subject matters as discussed in claim 9, and further disclose divide the sum total of all normalized characteristics by an amount representing a pre-determined possible total (Haq, col. 5, lines 1-5).

As per claim 11, Haq and Brady teach all the claimed subject matters as discussed in claim 6, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in at least one of a tabular output format and a graphical output format.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 1-2.

As per claim 14, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose normalizing the characteristics, said processor further programmed with pre-determined desired qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 15, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose normalize the characteristics, said processor further programmed to normalize candidate characteristics with known qualities associated with each characteristic (Haq, col. 5, lines 25-36).

As per claim 16, Haq and Brady teach all the claimed subject matters as discussed in claim 12, and further disclose summing the normalized characteristics of each candidate; and dividing the sum total of the normalized characteristics by an amount representing a predetermined possible total (Haq, col. 5, lines 1-5).

As per claim 17, Haq and Brady teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a tabular output format.

As per claim 18, Haq and Brady teach all the claimed subject matters as discussed in claim 16, and further disclose displaying the results (Haq, col. 10, lines 40-43), which inherently includes displaying the results of the candidates in a graphical output format.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

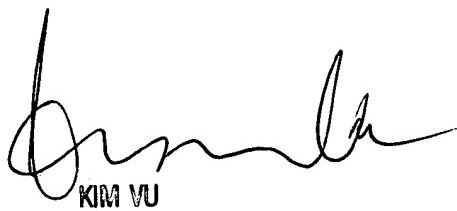
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

December 5, 2003



KIM VU  
SUPERVISORY PATENT EXAMINER  
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